

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

MAHMOUD SAAD and ZIHRA SAAD,

Plaintiffs,

Case No. 10-12635

v.

Honorable Patrick J. Duggan

CITY OF DEARBORN, DEARBORN  
POLICE DEPARTMENT, DEARBORN  
HEIGHTS POLICE DEPARTMENT, CITY  
OF DEARBORN HEIGHTS, MICHAEL  
KRAUSE, and JOHN DOES 1-10,

Defendants.

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**ORDER**

At a session of said Court, held in the U.S.  
District Courthouse, Eastern District  
of Michigan, on May 16, 2011.

PRESENT: THE HONORABLE PATRICK J. DUGGAN  
U.S. DISTRICT COURT JUDGE

On July 2, 2010, Zihra Saad and her husband, Mahmoud Saad, filed this civil rights action pursuant to 42 U.S.C. § 1983, seeking damages for injuries arising from an encounter with Dearborn Heights police officers at their home on March 10, 2010. The Complaint named as defendants the City of Dearborn, the Dearborn Police Department, the City of Dearborn Heights, the Dearborn Heights Police Department, Dearborn Heights

Police Officer Michael Krause, and ten unidentified police officers.<sup>1</sup> Before the Court is Plaintiffs' Motion for Leave to Amend the Complaint, filed on April 15, 2011 pursuant to Federal Rule of Civil Procedure 15. Defendants have not responded to the Motion, and on May 12, 2011, the Court notified the parties that it was dispensing with oral argument pursuant to Eastern District of Michigan Local Rule 7.1(f). For the reasons stated below, the Court grants Plaintiffs' Motion.

Federal Rule of Civil Procedure 15(a)(1)(B) provides that a party may amend its pleading once as a matter of course within twenty-one days after service of a motion under Rule 12(b), (e), or (f). Otherwise, a party may amend only with the opposing party's written consent or the court's leave, but "[t]he court should freely give leave when justice so requires." Fed. R. Civ. P. 15(a)(2). Courts have discretion in granting leave to amend. *Foman v. Davis*, 371 U.S. 178, 182, 83 S. Ct. 227, 230 (1962). Absent any apparent or declared reason, such as undue delay, bad faith, repeated failure to cure deficiencies, undue prejudice to the opposing party, and futility of amendment, leave to amend should be freely given. *Id.*

Plaintiffs claim to have learned the identities of the previously unidentified police officers referred to in the Complaint, and seek leave to substitute these officers for the named John Does. There is no indication that Plaintiffs have acted in bad faith, as they assert that they were unaware of these police officers' identities at the time they filed the Complaint. Plaintiffs claim that the depositions of these police officers have already been

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<sup>1</sup> The City of Dearborn and the Dearborn Police Department are no longer parties to this action, as they were dismissed pursuant to a Stipulated Order entered September 1, 2010.

commanded by subpoena. Thus, leave to amend should not result in prejudice to the defendants or undue delay in this litigation. Plaintiffs' Motion is unopposed, and the Court can see no reason why it should not be granted.

Accordingly,

**IT IS ORDERED** that Plaintiffs' Motion for Leave to Amend the Complaint is **GRANTED**, and the Plaintiffs shall file such First Amended Complaint within 7 days.

s/PATRICK J. DUGGAN  
UNITED STATES DISTRICT JUDGE

Copies to:

Haytham Faraj, Esq.  
Nemer N. Hadous, Esq.  
Jeffrey R. Clark, Esq.